

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

VIKTOR KOTOV, individually and on behalf of all other persons similarly situated who were employed by UNIVERSAL ELECTRIC MOTOR SERVICE, INC. and/or any other entities affiliated with or controlled by UNIVERSAL ELECTRIC MOTOR SERVICE, INC.,

Plaintiff,

- against -

UNIVERSAL ELECTRIC MOTOR SERVICE, INC., STEVEN ADZIMA, JOHN DOES 1-2 and JANE DOES 1-2,

Defendants.

Civil Action No. 2:17-cv-01438-JMV-JBC

**DECLARATION OF TIMOTHY P. SMITH, ESQ., IN SUPPORT OF DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

*Document Electronically Filed*

I, **TIMOTHY P. SMITH**, of full age, do certify and declare as follows:

1. I am an attorney-at-law of the State of New Jersey and a member of the law firm of Kinney Lisovicz Reilly & Wolff PC, attorneys for Defendants, Universal Electric Motor Service, Inc. and Steven Adzima ("Defendants"), in the above matter and am fully familiar with the facts set forth herein.

2. I make this Declaration in support of Defendants' motion for partial summary judgment.

3. Attached hereto as **Exhibit A** is a true and accurate copy of Plaintiff's Complaint, dated and filed March 1, 2017.

4. Attached hereto as **Exhibit B** is a true and accurate copy of Defendants' Answer to Plaintiffs' Complaint dated and filed April 11, 2017.

5. Attached hereto as **Exhibit C** is a true and accurate copy of the Pretrial Schedule Order entered in this matter, dated and filed June 28, 2017.

6. Attached hereto as **Exhibit D** is a true and accurate copy of Weglicki v. Kabanos Polish Deli, Inc., Case No. 1:15-cv-02567 (United States District Court, Eastern District of New York), filed on May 5, 2015.

7. Attached hereto as **Exhibit E** is a true and accurate copy of Wozniak v. V. DiSalvo Contracting Co., Inc., Docket No. 1:15-cv-00505 (United States District, Eastern District of New York), filed February 2, 2015.

8. Attached hereto as **Exhibit F** is a true and accurate copy of Luszczki v. Sokolewicz, Docket No. 1:15-cv-02908 (United States District Court, Eastern District of New York), filed May 19, 2015.

9. Attached hereto as **Exhibit G** is a true and accurate copy of Universal Electric Motor Service's and Steven Adzima's First Set of Interrogatories to Plaintiff, dated August 10, 2017.

10. Attached hereto as **Exhibit H** is a true and accurate copy of Plaintiff's Response to Defendant's First Set of Interrogatories, dated September 8, 2017.

11. Attached hereto as **Exhibit I** is a true and accurate copy of Universal Electric Motor Service's and Steven Adzima's First Request for Production of Documents, dated August 10, 2017.

12. Attached hereto as **Exhibit J** is a true and accurate copy of Plaintiff's Response to Defendant's First Request for Production of Documents, dated September 8, 2017.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 13, 2017

/s/ Timothy P. Smith

Timothy P. Smith, Esq. (TPS0127)

KINNEY LISOVICZ REILLY & WOLFF PC

299 Cherry Hill Road, Suite 300

Parsippany, New Jersey 07054

(973) 957-2550

(973) 710-1054 - Facsimile

Email: [tim.smith@klrw.law](mailto:tim.smith@klrw.law)

*Attorneys for Defendants, Universal Electric Motor Service, Inc. and Steven Adzima*